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8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke  
Probation Against,

13 JOANNE MARIAN BENZOR, M.D.

14 14391 Wood Avenue  
15 Riverside, California 92508

16 Physician's and Surgeon's Certificate G 53502,

17 Respondent.

Case No. 800-2017-034580

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

18  
19 FINDINGS OF FACT

20 1. On August 27, 1984, the Medical Board of California, Department of Consumer  
21 Affairs (Board) issued Physician's and Surgeon's Certificate No. G 53502 to Respondent Joanne  
22 Marian Benzor, M.D. (Respondent). That license expired on June 16, 2017, and has not been  
23 renewed. (Exh. A.)

24 2. On November 21, 2017, Complainant Kimberly Kirchmeyer (Complainant), in her  
25 official capacity as the Executive Director of the Board, filed a Petition to Revoke Probation in  
26 Board case No. 800-2017-034580 against Respondent. On November 21, 2017, Complainant  
27 Agency served on Respondent via United States Certified Mail the Statement to Respondent,  
28 Petition to Revoke Probation, Notice of Defense, Request for Discovery, and Government Code

1 sections 11507.5, 11507.6, 11507.7, and 11455.10, to Respondent's address of record with the  
2 Board, which was and is 14391 Wood Avenue, Riverside, California, 92508 (address of record).  
3 (Exh. B.)

4 3. On January 31, 2018, the Complainant Agency again served by United States  
5 Certified and First Class Mail a copy of the Petition to Revoke Probation No. 800-2017-034580,  
6 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code  
7 sections 11507.5, 11507.6, 11507.7, and 11455.10, to Respondent's address of record. (Exh. C.)

8 4. Service of the Petition to Revoke Probation was effective as a matter of law under the  
9 provisions of Government Code section 11505, subdivision (c).

10 5. On March 2, 2018, the documents served on January 31, 2018, were returned by the  
11 United States Postal Service marked "Unclaimed." (Exh. D.)

12 6. On April 14, 2018, counsel for Complainant Agency served on Respondent by United  
13 States Certified and First Class Mail a Courtesy Notice of Default on Respondent's address of  
14 record. (Exh. E.)

15 7. Both the Courtesy Notice of Default served by United States Certified Mail and First  
16 Class Mail were returned, marked "Return to Sender." (Exh. F.)

17 8. Business and Professions Code section 118 states, in pertinent part:

18 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a  
19 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by  
20 order of a court of law, or its surrender without the written consent of the board, shall not, during  
21 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
22 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
23 provided by law or to enter an order suspending or revoking the license or otherwise taking  
24 disciplinary action against the license on any such ground."

25 9. Government Code section 11506 states, in pertinent part:

26 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
27 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
28

1 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
2 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

3 10. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
4 the Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of  
5 Petition to Revoke Probation No. 800-2017-034580. (Declaration of Peggie Bradford Tarwater,  
6 Exh. G, at ¶ 8.)

7 11. Effective June 16, 2017, Respondent was placed on probation for a period of five  
8 years in *In the Matter of the Petition for Reinstatement of Revoked Certificate of: Joanne Marian*  
9 *Benzor*. Probation Condition No. 5 of the Decision after Reconsideration requires that  
10 Respondent submit to biological fluid testing at the request of the Board or its designee and that  
11 Respondent shall contract with a laboratory or service approved in advance by the Board for  
12 random, unannounced, observed, biological fluid testing. (Exh. B; Declaration of Elena  
13 Contreras, Exh. H, at ¶ 4.)

14 12. Respondent was enrolled in FirstSource Laboratory for biological fluid testing  
15 services. Respondent failed to check in with FirstSource for biological fluid testing on June 16,  
16 2017, and every day thereafter up to and including July 9, 2017. At no time since June 16, 2017,  
17 has Respondent checked in with FirstSource for biological fluid testing. (Exh. H at ¶¶ 4-7.)

18 13. On July 3, 2017, Respondent was issued Citation Order No 8002017034257, for  
19 failure to submit a biological fluid sample within the required timeframe. (Exh. I.)

20 14. Probation Condition No. 12 of the Decision after Reconsideration requires that  
21 Respondent maintain a current and renewed California Physician's and Surgeon's Certificate.  
22 (Exh. B.)

23 15. Respondent has failed to renew her Physician's and Surgeon's Certificate as required  
24 by the Decision after Reconsideration. (Exhs. A, B.)

25 16. Probation Condition No. 13 of the Decision after Reconsideration requires that  
26 Respondent be available in person upon request for interviews either at Respondent's place of  
27 business or at the probation unit office with or without prior notice. (Exh. B.)  
28

17. Respondent did not appear for interviews scheduled to take place at the probation unit office located in San Dimas, California, on June 9, 2017, June 21, 2017, and June 28, 2017, as required by the Decision after Reconsideration. (Exh. J.)

18. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent . . . ."

19. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it finds that the allegations in Petition to Revoke Probation No. 800-2017-034580 are true.

#### DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Joanne Marian Benzor, M.D. has subjected her Physician's and Surgeon's Certificate No. G 53502 to discipline.

2. A copy of the Petition to Revoke Probation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following violations alleged in the Petition to Revoke Probation:

a. Respondent has failed to comply Probation Condition No. 5 "Biological Fluid Testing;"

b. Respondent has failed to comply Probation Condition No. 12 "General Probation Requirements, License Renewal;" and

c. Respondent has failed to comply with Probation Condition 13, "Interview with the Board or its Designee."

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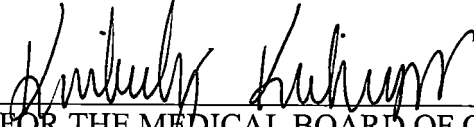
ORDER

**IT IS ORDERED THAT** Physician's and Surgeon's Certificate No. G 53502, heretofore issued to Respondent Joanne Marian Benzor, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 31, 2018 at 5:00 p.m.

**IT IS SO ORDERED** August 1, 2018

  
\_\_\_\_\_  
FOR THE MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
Kimberly Kirchmeyer  
Executive Director

1 XAVIER BECERRA  
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*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke  
12 Probation Against;

Case No. 800-2017-034580

13 JOANNE MARIAN BENZOR, M.D.  
14 14391 Wood Road  
Riverside, CA 92508

**PETITION TO REVOKE PROBATION**

15 Physician's and Surgeon's Certificate No. G  
16 53502,

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely  
22 in her official capacity as the Executive Director of the Medical Board of California, Department  
23 of Consumer Affairs (Board).

24 2. On or about August 27, 1984, the Board issued Physician's and Surgeon's Certificate  
25 Number G 53502 to Respondent Joanne Marian Benzor, M.D. (Respondent). The Physician's and  
26 Surgeon's Certificate was revoked on May 18, 2012, and it has not been renewed.

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28 ///

## DISCIPLINARY HISTORY

3. In a disciplinary action entitled "*In the Matter of the Accusation Against: Joanne Marian Benzor, M.D.*," Case Numbers 09-2005-165388 and 10-2006-176969, the Board issued a decision, effective May 7, 2007, revoking Respondent's Physician's and Surgeon's Certificate. However, the revocation was stayed and Respondent was placed on probation for a period of five years with certain terms and conditions.

4. In a disciplinary action entitled "*In the Matter of the First Amended Accusation and Petition to Revoke Probation Against Joanne Marian Benzor, M.D.*," Case No. D1-2005-165388, the Board issued a decision, effective May 18, 2012, revoking Respondent's Physician's and Surgeon's Certificate based on violations of the Business and Professions Code for excessive use of alcohol and unprofessional conduct, and probation violations for failure to obey all laws and failure to pay probation monitoring costs.

5. Respondent filed a Petition for Reinstatement of a Revoked Physician's and Surgeon's Certificate in Case No. 800-2015-016022, on or about June 22, 2015. In a decision, effective June 16, 2017, Respondent's Petition for Reinstatement was granted. In its Decision, the Board revoked the reinstated certificate. The revocation was stayed, and Respondent was placed on probation for a period of five years with certain terms and conditions. A copy of that Decision is attached as Exhibit A and is incorporated by reference.

6. On July 3, 2017, Respondent was issued a Citation Order for failing to submit to a biological fluid sample, as required by Probation Condition No. 5 of the Decision.

## JURISDICTION

7. This Petition to Revoke Probation is brought before the Board under the authority of the following laws.

8. Business and Professions Code section 2227 provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

9. Probation Condition No. 14 of the Decision entitled "Non-Practice While on

1 Probation” states, in pertinent part: “If [Respondent] resides in California and is considered to be  
2 in non-practice, [Respondent] shall comply with all terms and conditions of probation.”

3 10. Probation Condition No. 15 of the Decision entitled “Violation of Probation” states:

4 “Failure to fully comply with any term or condition of probation is a violation of probation.  
5 If [Respondent] violates probation in any respect, the Board, after giving [Respondent] notice and  
6 the opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
7 stayed. If an Accusation, Petition to Revoke Probation, or an Interim Suspension Order is filed  
8 against [Respondent] during probation, the Board shall have continuing jurisdiction until the  
9 matter is final, and the period of probation shall be extended until the matter is final.”

10 FIRST CAUSE TO REVOKE PROBATION

11 (Biological Fluid Testing)

12 11. At all times after the effective date of Respondent’s probation, Probation Condition  
13 No. 5 stated, in pertinent part:

14 “[Respondent] shall immediately submit to biological fluid testing, at [Respondent’s]  
15 expense, upon request of the Board or its designee. . . . Prior to practicing medicine, [Respondent]  
16 shall contract with a laboratory or service approved in advance by the Board or its designee that  
17 will conduct random, unannounced, observed, biological fluid testing. The contract shall require  
18 results for the tests to be transmitted by the laboratory or service directly to the Board or its  
19 designee within four hours of the results becoming available. [Respondent] shall maintain this  
20 laboratory or service contract during the period of probation.”

21 12. Respondent failed to comply with Probation Condition No. 5. The facts and  
22 circumstances regarding this violation are as follows:

23 13. In a letter, dated May 22, 2017, Respondent was advised by the Board that she was  
24 enrolled in FirstSource Laboratory for biological fluid testing. She was further advised that  
25 beginning June 16, 2017, she was required to check in daily with FirstSource via telephone or  
26 internet to determine whether she was required to provide a sample and to provide a sample the  
27 same day she was selected to do so. Respondent was advised that failure to cooperate with  
28 biological fluid testing is a violation of probation and non-compliance may lead to further



disciplinary action taken against her license.

14. Respondent failed to check in with FirstSource for biological fluid testing on June 16, 2017, and every day thereafter up to and including July 9, 2017.

15. Respondent failed to provide a biological fluid testing sample as required on June 23, 2017, June 28, 2017, and July 2, 2017, as required.

16. Respondent has failed to submit to biological fluid testing as required by the Board in violation of Probation Condition No. 5, and cause exists for revocation of probation.

### SECOND CAUSE TO REVOKE PROBATION

(General Probation Requirements, License Renewal)

17. At all times after the effective date of Respondent's probation, Probation Condition No. 12 stated:

"[Respondent] shall maintain a current and renewed California physician's and surgeon's license."

18. Respondent failed to comply with Probation Condition No. 12. The facts and circumstances regarding this violation are as follows:

19. Respondent's Physician's and Surgeon's Certificate was reinstated on June 16, 2017. It was then revoked. The revocation was stayed, and Respondent was placed on probation for a period of five years.

20. Respondent has failed to renew her Physician's and Surgeon's Certificate.

21. Respondent's failure to renew her Physician's and Surgeon's Certificate is a violation of Probation Condition No. 12, and cause exists for revocation of probation.

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1 THIRD CAUSE TO REVOKE PROBATION

2 (Interview with the Board or its Designee)

3 22. At all times after the effective date of Respondent's probation, Probation Condition  
4 No. 13 stated:

5 "[Respondent] shall be available in person upon request for interviews either at  
6 [Respondent's] place of business or at the probation unit office, with or without prior notice  
7 throughout the term of probation."

8 23. Respondent failed to comply with Probation Condition No. 13, referenced above.  
9 The facts and circumstances regarding this violation are as follows:

10 24. Respondent was scheduled for a probation intake interview with the Board on June 9,  
11 2017. On June 8, 2017, Respondent advised the Board that she would not be attending the  
12 interview.

13 25. In a letter, dated June 13, 2017, the Board advised Respondent that her probation  
14 intake interview with the Board had been rescheduled for June 21, 2017, at the Board's probation  
15 unit office in San Dimas, California.

16 26. In an email, dated June 13, 2017, the Board advised Respondent that her probation  
17 intake interview with the Board had been rescheduled for June 21, 2017, at the Board's probation  
18 unit office in San Dimas, California.

19 27. Respondent did not appear for the June 21, 2017, interview.

20 28. In a letter, dated June 22, 2017, the Board advised Respondent that her probation  
21 intake interview with the Board had been rescheduled for June 28, 2017, at the Board's probation  
22 unit office in San Dimas, California.

23 29. In an email, dated June 22, 2017, the Board advised Respondent that her probation  
24 intake interview with the Board had been rescheduled for June 28, 2017, at the Board's probation  
25 unit office in San Dimas, California.

26 30. Respondent did not appear for the June 28, 2017, interview.

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28 ///

31. Respondent's failure to be available in person upon request for interviews at the probation unit office is a violation of Probation Condition No. 13, and cause exists for revocation of probation.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking the probation that was granted by the Medical Board of California in Case No. 800-2015-016022 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. G 53502 issued to Respondent Joanne Marian Benzor, M.D.;


2. Revoking Physician's and Surgeon's Certificate No. G 53502, issued to Respondent Joanne Marian Benzor, M.D.;

3. Revoking, suspending or denying approval of Respondent Joanne Marian Benzor, M.D.'s authority to supervise physician assistants and advanced practice nurses.

4. Ordering Respondent Joanne Marian Benzor, M.D. to pay the costs of probation monitoring, if placed on probation;

5. Taking such other and further action as deemed necessary and proper.

DATED: November 21, 2017

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

LA2017605056

Exhibit A

Decision and Order

Medical Board of California Case No. 800-2015-016022

**MEDICAL BOARD OF CALIFORNIA**

I do hereby certify that this document is a true  
and correct copy of the original on file in this  
office.

Signature

Title

BEFORE THE

MEDICAL BOARD OF CALIFORNIA

DEPARTMENT OF CONSUMER AFFAIRS

STATE OF CALIFORNIA

Date

In the Matter of the Petition for Reinstatement  
of Revoked Certificate of:

JOANNE MARIAN BENZOR

Petitioner

Case No. 800-2015-016022

OAH No. 2016021118

**DECISION AFTER RECONSIDERATION**

Administrative Law Judge (ALJ) Laurie R. Pearlman, Office of Administrative Hearings, State of California, heard this matter on April 28, 2016, in Los Angeles, California.

Pursuant to the provisions of Government Code section 11522, the Attorney General of the State of California was represented by Deputy Attorney General Trina L. Saunders.

Joanne Marian Benzor (Petitioner) was present and represented herself.

Oral and documentary evidence was received and the matter was submitted for decision on April 28, 2016. On May 2, 2016, without first seeking leave to do so, Petitioner submitted a letter in which she sought to offer further explanation of Exhibits A – C (marked for identification as Exhibit D.) Because the letter was filed after the record was closed and the matter submitted for decision, it was not admitted into evidence or considered.

A Proposed Decision was issued on May 27, 2016. On August 5, 2016, Panel A of the Medical Board of California (Board) issued an Order of Non-Adoption of Proposed Decision. Oral argument on the matter was heard by the Panel on October 27, 2016, with ALJ Roy W. Hewitt presiding. The Attorney General of the State of California was represented by Deputy Attorney General Trina L. Saunders. Petitioner was present and represented herself. Panel A, having read and considered the entire record, including the transcripts and the exhibits, and having considered the written and oral arguments presented by the parties, entered its decision on the matter on November 28, 2016, with an effective date of December 28, 2016.

Petitioner filed a timely Petition for Reconsideration, which was granted by Panel A. Oral argument on the matter was heard by the Panel on April 27, 2017, with ALJ Ralph B. Dash presiding. The Attorney General of the State of California was represented by Deputy Attorney General Trina L. Saunders. Petitioner was present and represented herself.

Panel A, having read and considered the entire record, including the transcripts and the exhibits, and having considered the written and oral arguments presented by the parties, hereby enters this decision after reconsideration.

### **FINDINGS OF FACT**

1. Petitioner was previously the holder of Physician and Surgeon's Certificate Number G53502 (certificate), issued by the Medical Board of California (Board) on August 27, 1984.

#### *Petitioner's History of Discipline*

2. On May 18, 2006, an Accusation (Case No. 09-2005-165388) was filed against Petitioner by the Board, alleging violations of the Business and Professions Code for gross negligence, repeated negligent acts, failure to perform a good faith prior examination, failure to maintain adequate and accurate records, failure to supervise, and gross negligence in connection with issuing recommendations for the use of medical marijuana.

3. Effective May 7, 2007, pursuant to a Stipulated Decision and Disciplinary Order in case numbers 09-2005-165388 and 10-2006-176969, the Board revoked Petitioner's certificate, stayed the revocation, and placed her on probation, with certain terms and conditions, for a period of five years.

4. On July 17, 2008, Petitioner was issued a "Citation Order" for failing to enroll in, and complete Medical Record Keeping and Prescribing Courses, as ordered by the Board in probation condition numbers 2 and 3. Petitioner had been experiencing financial problems and did not have the ability to pay for the courses. Petitioner paid a \$350 fine for the probation violations.

5. On July 16, 2009, Petitioner was issued a "Citation Order" for failing to pay the Board's probation costs, as ordered by the Board in probation condition number 17. Petitioner had been experiencing financial problems and did not have the ability to pay the probation monitoring costs.

6. On July 26, 2009, Petitioner violated probation condition number 8, which required her to obey all laws. The Revocation Order, which adopted the Proposed Decision of Administrative Law Judge Roy W. Hewitt, contained factual findings, as follows: On that date, Riverside County Sheriff's Deputies responded to an assault with a deadly weapon call. The deputies were informed that someone driving a motor vehicle had attempted to run over another individual. When deputies arrived at the scene they interviewed witnesses including one of Petitioner's male friends (the friend). The friend told the deputies that he and Petitioner had been drinking all day, had gotten into an argument, and that Petitioner had driven away from the area. Petitioner drove past the deputies and side-swiped her friend's car. Petitioner was arrested. Her blood alcohol content was 0.18 percent, over two times the legal limit.

7. On September 9, 2009, in the Superior Court of California, County of Riverside, Case No. RIM538011, Petitioner was convicted, after pleading guilty, of one count of violating California Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol), and one count of violating California Vehicle Code section 23152, subdivision (b), (driving with a blood alcohol concentration of 0.08 percent or more), both misdemeanors. As a result of the September 9, 2009, convictions, Petitioner was placed on three years of summary probation under certain terms and conditions, including: actual custody for 10 days; a prohibition against driving with alcohol in her blood or within six hours of consuming alcohol; completion of a First Offender Driving Under the Influence (DUI) Program; payment of fines and penalties; and an order that she submit to chemical tests of blood, saliva, breath, or urine or any reasonable physical test upon request of any probation or law enforcement officer. Petitioner successfully completed her criminal probation.

8. On February 10, 2012, the Board filed a First Amended Accusation and Petition to Revoke Probation in Case No. D1-2005-165388. It alleged violations of the Business and Professions Code for excessive use of alcohol and unprofessional conduct, and probation violations for failure to obey all laws and failure to pay probation monitoring costs.

9. Effective May 18, 2012, the Board revoked Petitioner's certificate.

10. On June 22, 2015, Petitioner signed and subsequently filed a Petition for Reinstatement of Revoked/Surrendered Certificate, seeking reinstatement of her Physician and Surgeon's Certificate. This matter ensued.

#### *Petitioner's Evidence*

11. Petitioner is a divorced mother of four children, all of whom are now in their 20's. She practiced medicine for 28 years, without any patient complaints. She is bilingual and her practice was primarily in family medicine, treating an underserved, non-English speaking, Hispanic population. Petitioner enjoyed seeing a range of patients, from infants to the elderly, and treating all members of a family. She "truly misses having contact with patients" and "is more than ready" to return to the practice of medicine after four years of non-practice. Petitioner states that she has "kept up with changes in medicine." As soon as her finances allowed, she completed a "Prescribing Practices" course and a "Medical Record Keeping Course." Petitioner accesses videos and other educational materials on a daily basis from online medical sites, such as Medscape, QuantiaMD.com, and Sermo.com, and has taken continuing medical education courses. Petitioner, however, has not participated in a program of comprehensive review and evaluation to demonstrate to the Board that she has the medical knowledge and skills to return to the practice of medicine after having been out of practice since May 2012.

12. From November 2005 to December 2006, Petitioner worked at Medicann, a medical marijuana clinic (clinic), where she was an hourly employee. This was not her typical practice, and she regrets taking that position. She did so because, as a single parent, she was trying to limit her work hours in order to spend more time with her children, who had begun to have behavior problems and difficulties in school.

13. At the clinic, Petitioner worked with a physician assistant "who talked to [Petitioner] before giving out the pre-signed medical marijuana recommendations." Petitioner was not at the clinic the day that the undercover operation was conducted, but she emphasized that medical marijuana recommendations were denied for three of the five undercover agents posing as patients that day.

14. Petitioner disagreed with the clinic owner's policy of having doctors provide physician assistants with pre-signed medical marijuana recommendations, without performing physical examinations, and spending no more than 10 minutes with each patient. Nonetheless, she did comply with these policies, which led to her being placed on Board probation in 2007. Petitioner has "learned that [she] should always be in charge of how [she] practices medicine and not rely on an employer for that." Petitioner wrote a personal essay which was published in 2013, discussing her "journey from being a respected physician to having [her] license revoked." She denied that it was her intent to blame the Board, or anyone else, for the revocation of her certificate. Petitioner has "let go of all the anger [she] was carrying around," including anger at herself. She demonstrated remorse for her conduct and the acceptance of responsibility.

15. As for the events of July 26, 2009, Petitioner is "very much embarrassed by [her] behavior that day." She testified that it was a Sunday and she was "on vacation." She called her friend to see if he wanted to go out to eat at a new restaurant in Moreno Valley. Only bar seating was available, and pomegranate martinis, which were "pure alcohol," were "on special." Petitioner drank three martinis and then "blacked-out." She recalls being at the restaurant, and then it was "dark and [she] was as the police station." Petitioner has had no subsequent criminal convictions.

16. Petitioner testified that she does "not have a drinking problem." Coffee is her "beverage of choice." As part of her criminal probation, she attended four months of DUI classes and 12 Alcoholics Anonymous meetings, but has not continued to attend meetings. Despite the gravity of her actions and her claims of "blacking-out," Petitioner has never been evaluated to determine whether she has an alcohol use disorder. This is especially concerning, because her written statements and testimony were inconsistent as to whether she continues to drink. For instance, in her written Petition for Penalty relief, Petitioner stated, "...I haven't had an alcoholic drink since the day I was arrested for a DUI." (Exhibit 1) In contrast, during the hearing on April 28, 2016, she testified that, "[she] still enjoy[s] a beer now and then." She further testified that she never drives after drinking alcohol.

17. Petitioner is currently self-employed. She purchases items from estate sales and thrift stores, which she resells on eBay and Amazon. Petitioner also does custom re-upholstery and refinishes furniture for clients.

18. Ruben Ruiz, M.D., submitted a character reference letter supporting reinstatement of Petitioner's certificate. Dr. Ruiz is the medical director of Clinica Medica Familiar Clinics, where Petitioner was employed as a physician from 2000 to 2005. He is aware of the events which led to revocation of Petitioner's certificate, and states that she accepts responsibility and "knows she screwed up." Petitioner was "beloved" for her ability to communicate with patients for whom she



was able to offer "culturally appropriate advice and recommendations. It was a shock when she was taken away from her patients and the Pico Rivera clinic has still not recovered." Dr. Ruiz has a position waiting for Petitioner in his Ontario clinic, where she would be able to "start right away" once her certificate is reinstated (Exhibit 1.)

19. Surya Reddy, M.D., submitted a character reference letter supporting reinstatement of Petitioner's certificate. Dr. Reddy is the medical director of Apple Medical Center and Urgent Care, where Petitioner was employed as a physician from February 2007 to July 2010. He is aware of the events which led to revocation of Petitioner's certificate. Petitioner "is an excellent clinician" who "provided excellent care" to "seniors who typically have a long list of medical problems and can be quite difficult to manage." She is "comfortable and competent in treating a wide range of ailments." Dr. Reddy "never detected any behavior on her part that would make [him] suspect that Petitioner had a drinking problem." (Exhibit 1.)

### LEGAL CONCLUSIONS

1. Cause exists to grant the Petition pursuant to the provisions of Business and Professions Code section 2307 by reason of Findings 11 through 19, provided the newly reinstated certificate is accompanied by a probationary Order requiring satisfaction of specific terms and conditions.

2. Petitioner bore the burden of proving both her rehabilitation and her fitness to practice medicine. (*Houseman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308.) The standard of proof is clear and convincing evidence to a reasonable certainty. (*Hippard v. State Bar* (1989) 49 Cal.3d 1084; *Feinstein v. State Bar* (1952) 39 Cal.2d 541.) Petitioner's burden required a showing that she was no longer deserving of the adverse character judgment associated with the discipline imposed against her certificate. (*Tardiff v. State Bar* (1980) 27 Cal.3d 395.)

3. Protection of the public is the Board's highest priority (Business and Professions Code sections 2001.1 and 2229.) The Board "shall, wherever possible, take action that is calculated to aid in the rehabilitation of the licensee, or where, due to a lack of continuing education or other reasons, restriction on scope of practice is indicated, to order restrictions as are indicated by the evidence." (Bus. & Prof. Code, § 2229, subd. (b).) "Where rehabilitation and protection are inconsistent, protection shall be paramount." (Bus. & Prof. Code, § 2229, subd. (c).)

4. Title 16, California Code of Regulations, section 1360.2, lists the criteria for rehabilitation to be examined in evaluating the merits of a petition for reinstatement of a revoked license. That regulation provides:

When considering a petition for reinstatement of a license, certificate or permit holder pursuant to the provisions of Section 11522 of the Government Code, the division or panel shall evaluate evidence of rehabilitation submitted by the petitioner considering the following criteria:

- (a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (b) Evidence of any act(s) or crime(s) committed subsequent to act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Code Section 480.
- (c) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (a) or (b) above.
- (d) In the case of a suspension or revocation based upon the conviction of a crime, the criteria set forth in Section 1360.1, subsections (b), (d) and (e).
- (e) Evidence, if any, of rehabilitation submitted by the applicant.

5. It is well-established that remorse for one's conduct and the acceptance of responsibility are the cornerstones of rehabilitation. Rehabilitation is a "state of mind" and the law looks with favor upon rewarding with the opportunity to serve one who has achieved "reformation and regeneration." (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) Fully acknowledging the wrongfulness of past actions is an essential step towards rehabilitation. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940.) Mere remorse does not demonstrate rehabilitation. A truer indication of rehabilitation is sustained conduct over an extended period of time. (*In re Menna* (1995) 11 Cal.4th 975, 991.) Finally, the evidentiary significance of misconduct is greatly diminished by the passage of time and by the absence of similar, more recent misconduct. (*Kwasnik v. State Bar* (1990) 50 Cal.3d 1061, 1070.)

6. It is undisputed that the DUI conviction and the events surrounding that incident are extremely serious, as were the allegations regarding Petitioner's conduct at Medicann. However, both are remote in time: the conduct at Medicann took place in March 2005, and the event which led to the DUI conviction occurred in July 2009. Petitioner completed her criminal probation, and has had no subsequent convictions. Prior to these events, Petitioner had a long and successful career as a family physician, with no history of patient complaints, or intoxication in the workplace.

7. In light of Petitioner's disciplinary history, and the long period of time that she has been out of practice, Petitioner's argument that her license should be restored with no conditions is rejected. While Petitioner has met her burden in establishing that her petition should be granted, public protection requires that it be restored on restricted basis, and with conditions precedent in place to demonstrate that she has the medical knowledge, skills, and readiness to return to practice. The goal of public protection is further served by a period of probation, with terms and conditions including, but not limited to: requiring abstention from alcohol and drugs, biological fluid testing, no solo practice, and a practice monitor.

## **ORDER**

The Petition of Joanne Marian Benzor for reinstatement of her revoked Physician's and Surgeon's Certificate No. G53502 is granted, subject to the following:

The newly reinstated certificate is hereby revoked. However, the revocation is stayed and Petitioner is placed on probation for five (5) years upon the following terms and conditions:

**1. Clinical Competence Assessment Program – Condition Precedent**

Within 60 calendar days of the effective date of this Decision, Petitioner shall enroll in a clinical competence assessment program approved in advance by the Board or its designee. Petitioner shall successfully complete the program no later than six (6) months after Petitioner's initial enrollment unless the Board or its designee agrees in writing to an extension of that time.

The program shall consist of a comprehensive assessment of Petitioner's physical and mental health and the six general domains of clinical competence as defined by the Accreditation Council on Graduate Medical Education and American Board of Medical Specialties pertaining to Petitioner's current or intended area of practice. The program shall take into account data obtained from the pre-assessment, self-report forms and interview, and the Decision(s), Accusation(s), and any other information that the Board or its designee deems relevant. The program shall require Petitioner's on-site participation for a minimum of 3 and no more than 5 days as determined by the program for the assessment and clinical education evaluation. Petitioner shall pay all expenses associated with the clinical competence assessment program.

At the end of the evaluation, the program will submit a report to the Board or its designee which unequivocally states whether the Petitioner has demonstrated the ability to practice safely and independently. Based on Petitioner's performance on the clinical competence assessment, the program will advise the Board or its designee of its recommendation(s) for the scope and length of any additional educational or clinical training, evaluation or treatment for any medical condition or psychological condition, or anything else affecting Petitioner's practice of medicine. Petitioner shall comply with the program's recommendations.

Determination as to whether Petitioner successfully completed the clinical competence assessment program is solely within the program's jurisdiction.

**Petitioner shall not practice medicine until Petitioner has successfully completed the program and has been so notified by the Board or its designee in writing.**

**2. Psychiatric Evaluation – Condition Precedent**

Within 30 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may be required by the Board or its designee, Petitioner shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this requirement. Petitioner shall pay the cost of all psychiatric evaluations and psychological testing.

Petitioner shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within 15 calendar days after being notified by the Board or its designee.

**Petitioner shall not engage in the practice of medicine until notified by the Board or its designee that Petitioner is mentally fit to practice medicine safely.** The period of time that Petitioner is not practicing medicine shall not be counted toward completion of the term of probation.

**3. Alcohol -Abstain From Use**

Petitioner shall abstain completely from the use of products or beverages containing alcohol.

If Petitioner has a confirmed positive biological fluid test for alcohol, Petitioner shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The Petitioner shall not resume the practice of medicine until the final decision on an accusation and/or a petition to revoke probation is effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30 days of the notification to cease practice. If the Petitioner requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the Petitioner with a hearing within 30 days of the request, unless the Petitioner stipulates to a later hearing. If the case is heard by an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its decision within 15 days of submission of the case, unless good cause can be shown for the delay. Good cause includes, but is not limited to, non-adoption of the proposed decision, request for reconsideration, remands and other interlocutory orders issued by the Board. The cessation of practice shall not apply to the reduction of the probationary time period.

If the Board does not file an accusation or petition to revoke probation within 30 days of the issuance of the notification to cease practice or does not provide Petitioner with a hearing within 30 days of such a request, the notification of cease practice shall be dissolved.

This condition shall be in place only for the first two years of probation, unless Petitioner tests positive for alcohol/controlled substances during that period, in which case the condition shall continue for the entire period of probation.

**4. Controlled Substances - Abstain From Use**

Petitioner shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Petitioner by another practitioner for a bona fide illness or condition.

Within 15 calendar days of receiving any lawfully prescribed medications, Petitioner shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

If Petitioner has a confirmed positive biological fluid test for any substance (whether or not legally prescribed) and has not reported the use to the Board or its designee, Petitioner shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The Petitioner shall not resume the practice of medicine until the final decision on an accusation and/or a petition to revoke probation is effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30 days of the notification to cease practice. If the Petitioner requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the Petitioner with a hearing within 30 days of the request, unless the Petitioner stipulates to a later hearing. If the case is heard by an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its decision within 15 days of submission of the case, unless good cause can be shown for the delay. Good cause includes, but is not limited to, non-adoption of the proposed decision, request for reconsideration, remands and other interlocutory orders issued by the Board. The cessation of practice shall not apply to the reduction of the probationary time period.

If the Board does not file an accusation or petition to revoke probation within 30 days of the issuance of the notification to cease practice or does not provide Petitioner with a hearing within 30 days of such a request, the notification of cease practice shall be dissolved.

This condition shall be in place only for the first two years of probation, unless Petitioner tests positive for alcohol/controlled substances during that period, in which case the condition shall continue for the entire period of probation.

**5. Biological Fluid Testing**

Petitioner shall immediately submit to biological fluid testing, at Petitioner's expense, upon request of the Board or its designee. "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by the Board or its designee. Prior to practicing medicine, Petitioner shall contract with a laboratory or service approved in advance by the Board or its designee that will conduct random, unannounced, observed, biological fluid testing. The contract shall require results of the tests to be transmitted by the laboratory or service directly to the Board or its designee within four hours of the results becoming available. Petitioner shall maintain this laboratory or service contract during the period of probation.

A certified copy of any laboratory test result may be received in evidence in any proceedings between the Board and Petitioner.

If Petitioner fails to cooperate in a random biological fluid testing program within the specified time frame, Petitioner shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The Petitioner shall not resume the practice of medicine until the final decision on an accusation and/or a petition to revoke probation is effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30 days of the notification to cease practice. If the Petitioner requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the Petitioner with a hearing within 30 days of the request, unless the Petitioner stipulates to a later hearing. If the case is heard by an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its decision within 15 days of submission of the case, unless good cause can be shown for the delay. Good cause includes, but is not limited to, non-adoption of the proposed decision, request for reconsideration, remands and other interlocutory orders issued by the Board. The cessation of practice shall not apply to the reduction of the probationary time period.

If the Board does not file an accusation or petition to revoke probation within 30 days of the issuance of the notification to cease practice or does not provide Petitioner with a hearing within 30 days of such a request, the notification of cease practice shall be dissolved.

This condition shall be in place only for the first two years of probation, unless Petitioner tests positive for alcohol/controlled substances during that period, in which case the condition shall continue for the entire period of probation.

**6. Solo Practice Prohibition**

Petitioner is prohibited from engaging in the solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice where: 1) Petitioner merely shares office space with another physician but is not affiliated for purposes of providing patient care, or 2) Petitioner is the sole physician practitioner at that location.

If Petitioner fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the effective date of this Decision, Petitioner shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The Petitioner shall not resume practice until an appropriate practice setting is established.

If, during the course of the probation, the Petitioner's practice setting changes and the Petitioner is no longer practicing in a setting in compliance with this Decision, the Petitioner shall notify the Board or its designee within 5 calendar days of the practice setting change. If Petitioner fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the practice setting change, Petitioner shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The Petitioner shall not resume practice until an appropriate practice setting is established.

**7. Monitoring -Practice**

Within 30 calendar days of the effective date of this Decision, Petitioner shall submit to the Board or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with Petitioner, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in Petitioner's field of practice, and must agree to serve as Petitioner's monitor. Petitioner shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing throughout probation, Petitioner's practice shall be monitored by the approved monitor. Petitioner shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

If Petitioner fails to obtain approval of a monitor within 60 calendar days of the effective date of this Decision, Petitioner shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Petitioner shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.

The monitor(s) shall submit a quarterly written report to the Board or its designee which includes an evaluation of Petitioner's performance, indicating whether Petitioner's practices are within the standards of practice medicine, and whether Petitioner is practicing medicine safely. It shall be the sole responsibility of Petitioner to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, Petitioner shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If Petitioner fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, Petitioner shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Petitioner shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

In lieu of a monitor, Petitioner may participate in a professional enhancement program approved in advance by the Board or its designee that includes, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Petitioner shall participate in the professional enhancement program at respondent's expense during the term of probation.



**8. Notification**

Within seven days of the effective date of this Decision, Petitioner shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Petitioner, at any other facility where Petitioner engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Petitioner. Petitioner shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

**9. Supervision of Physician Assistants and Advanced Practice Nurses**

During probation, Petitioner is prohibited from supervising physician assistants and advanced practice nurses.

**10. Obey All Laws**

Petitioner shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

**11. Quarterly Declarations**

Petitioner shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Petitioner shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

**12. General Probation Requirements**

*Compliance with Probation Unit*

Petitioner shall comply with the Board's probation unit.

*Address Changes*

Petitioner shall, at all times, keep the Board informed of Petitioner's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a

post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

*Place of Practice*

Petitioner shall not engage in the practice of medicine in Petitioner's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

*License Renewal*

Petitioner shall maintain a current and renewed California physician's and surgeon's license.

*Travel or Residence Outside California*

Petitioner shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Petitioner should leave the State of California to reside or to practice Petitioner shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

**13. Interview with the Board or its Designee**

Petitioner shall be available in person upon request for interviews either at Petitioner's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

**14. Non-Practice While on Probation**

Petitioner shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Petitioner's return to practice. Non-practice is defined as any period of time Petitioner is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If Petitioner resides in California and is considered to be in non-practice, Petitioner shall comply with all terms and conditions of probation. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve Petitioner from complying with all the terms and conditions of probation. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered

non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Petitioner's period of non-practice while on probation exceeds 18 calendar months, Petitioner shall successfully complete the Federation of State Medical Board's Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Petitioner's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice for a Petitioner residing outside of California, will relieve Petitioner of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled Substances; and Biological Fluid Testing.

**15. Violation of Probation**

Failure to fully comply with any term or condition of probation is a violation of probation. If Petitioner violates probation in any respect, the Board, after giving Petitioner notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation, or an Interim Suspension Order is filed against Petitioner during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

**16. License Surrender**

Following the effective date of this Decision, if Petitioner ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Petitioner may request to surrender her license. The Board reserves the right to evaluate Petitioner's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Petitioner shall, within 15 calendar days, deliver Petitioner's wallet and wall certificate to the Board or its designee and Petitioner shall no longer practice medicine. Petitioner will no longer be subject to the terms and conditions of probation. If Petitioner re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

17. **Probation Monitoring Costs**

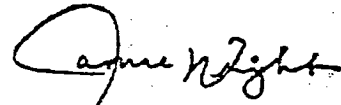
Petitioner shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

18. **Completion of Probation**

Petitioner shall comply with all financial obligations (e.g., probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Petitioner's certificate shall be fully restored.

This Decision shall become effective at 5:00 p.m. on June 16, 2017.

IT IS SO ORDERED May 19, 2017.



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Jamie Wright, J.D., Chair  
Panel A  
Medical Board of California